

desecration of an American flag in public. His action violated a little-known state law prohibiting desecration of the flag. He was tried in state court and found guilty.

As always seems to be the case, though, the federal government intervened. After winding through the federal system, the Supreme Court—in direct contradiction to the Constitution's 10th Amendment—finally ruled against the state law.

Since then Congress has twice tried to overturn more than 213 years of history and legal tradition by making flag desecration a federal crime. Just as surely as the Court was wrong in its disregard for the Tenth Amendment by improperly assigning the restrictions of the First Amendment to the states, so are attempts to federally restrict the odious (and very rare) practice of Americans desecrating the flag.

After all, the First Amendment clearly states that it is Congress that may "make no laws" and is prohibited from "abridging" the freedom of speech and expression. While some may not like it, under our Constitution state governments are free to restrict speech, expression, the press and even religious activities. The states are restrained, in our federal system, by their own constitutions and electorate.

This system has served us well for more than two centuries. After all, our founding fathers correctly recognized that the federal government should be severely limited, and especially in matters of expression. They revolted against a government that prevented them from voicing their politically unpopular views regarding taxation, liberty and property rights. As a result, the founders wanted to ensure that a future monolithic federal government would not exist, and that no federal government of the United States would ever be able to restrict what government officials might find obnoxious, unpopular or unpatriotic. After all, the great patriots of our nation—George Washington, Thomas Jefferson, Patrick Henry, and Benjamin Franklin—were all considered disloyal pests by the British government.

Too often in this debate, the issue of patriotism is misplaced. This is well addressed by Keith Krue, an Army veteran and a past national commander of the American Legion. He has said that, "Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' . . . A patriot cannot be created by legislation."

Our nation would be far better served that if instead of loyalty to an object—what Mr. Krue calls the "golden calf"—we had more Members of Congress who were loyal to the Constitution and principles of liberty. If more people demonstrated a strong conviction to the Tenth Amendment, rather than creating even more federal powers, this issue would be far better handled.

For more than two centuries, it was the states that correctly handled the issue of flag desecration in a manner consistent with the principle of federalism. When the federal courts improperly intervened, many people understandably sought a solution to a very emotional issue. But the proposed solution to enlarge the federal government and tread down the path of restricting unpopular political expression, is incorrect, and even frightening.

The correct solution is to reassert the 10th Amendment. The states should be unshackled from unconstitutional federal restrictions.

As a proud Air Force veteran, my stomach turns when I think of those who defile our flag. But I grow even more nauseous, though, at the thought of those who would defile our precious constitutional traditions and liberties.

Loyalty to individual liberty, combined with a conviction to uphold the Constitution, is the best of what our flag can represent.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for yielding me this time.

Mr. Speaker, after surviving the bloodiest battlefield since Gettysburg, a brave platoon of Marines trudged up Mount Suribachi on Sulfur Island with a simple task, to raise the flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his platoon, history records that a thunderous cheer rose from our troops on land and on sea, in foxholes and on stretchers. Hope returned to that field of battle when the American flag began flapping in the wind.

It is written that without a vision, the people perish. The flag, Mr. Speaker, was the vision that inspired and rallied our troops at Iwo Jima. The flag is still the vision for all Americans who still cherish those who stood ready to make the necessary sacrifices.

Mr. Speaker, by adopting this flag protection amendment, we will raise Old Glory yet again. We will raise her above the decisions of a judiciary wrong on both the law and the history. And in some small way, we will raise the flag above the cynicism of our times, saying to my generation of Americans those most unwelcome of words, "There are limits." To say to my generation of Americans, out of respect for all those who serve beneath it and some who died within the sight of it, that there are boundaries necessary to the survival of freedom.

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C.S. Lewis said, "We laugh at honor, and we are shocked to find traitors in our midst." Leave us this day to cease to laugh at honor, to elevate to dishonor of our unique national symbol to some sacred right, and let us pass this amendment to restore Old Glory the modest protections of the law that those who venerate her so richly deserve.

Vote yes to the resolution and raise the American flag to her Old Glory again.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON) who, previous to her congressional experience, worked in the field of labor with my late father.

Ms. CARSON of Indiana. Mr. Speaker, I certainly thank the honorable gentleman from Michigan (Mr. CON-

YERS) for yielding me time. I did have the benefit of working for his father as an international representative when John was still running around trying to find out whether or not he was going to Congress. So it is a pleasure to come, Mr. Speaker, to the floor and benefit from all of this historic and intellectual dialogue that preceded me.

I come here today to exercise a constitutional right granted to me as a citizen of the United States, and that is freedom of speech. I have a great deal of reverence for the United States flag. I wave it at my residence every opportunity, and am very saddened by those flags that are often lowered over capitols and buildings in commemoration of some fallen hero, if you will.

My adoration and respect, however, does not exceed my commitment to the integrity of the first amendment of the United States Constitution. Many of us learned in our educational experience of Patrick Henry, who said, "I may not agree with the words that you say, but certainly would defend your right to say it." As I recall, Patrick Henry was in fact one of the signers of the Constitution.

One of my first and foremost commitments as a Member here is on behalf of our country's veterans. My name, Julia Carson, is derived from a Korean War Marine, 100 percent service-connected veteran, who struggles now to even gain any type of mobility. I am very supportive of veterans and recognize their interests in preserving this flag. My son, Sam Carson, is a former member of the United States Marine Corps.

So, as a ranking member of the Committee on Veterans' Affairs Subcommittee on Oversight and Investigation, I am working hard to address the needs of our veterans, to assure that the fight for freedom does not go unappreciated or uncompensated.

Great Americans such as Vietnam veteran and former Senator Kerry, former head of the Joint Chiefs of Staff and our current Secretary of State, the Honorable Colin Powell, have expressed their opposition to this amendment. These are great men who served this country with distinction.

General Powell has stated, "If they are destroying a flag that belongs to someone else, that is a prosecutable crime. But if it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead."

These men feel that in spite of their own commitment to the integrity of the American flag, they do not want their personal views to infringe on the rights of free speech of other Americans.

Francis Scott Key wrote, and we all recall that tune, "O'er the ramparts we watch'd, were so gallantly streaming. And the rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still there. O